

Ronald Tucker 39032-053
F.C.I. Allenwood
P.O. Box 2000
White Deer, PA 17887
Unit #3A
February 18, 2003

Clerk of the Court
(The Honorable Yvette Kane)
United States District Court
Middle District of Pennsylvania
228 Walnut Street
Harrisburg, PA 17108

FILED
HARRISBURG, PA

APR 28 2003

MARY E. D'ANDREA, CLERK
Per *[Signature]*

IN RE: 60(b) motion
No. 1:CV-00-1780

Dear Your Honor,

I currently have pending before you, a motion pursuant to Fed. Rules. Civ. P. 60(b). On February 14, 2003, I received a letter from the U.S. Department of Justice, United States Marshals Service which will be attached hereto.

In the "Respondent's Brief in Opposition to Tucker's Rule 60(b) Motion", the respondents stated:

"As explained by the declaration of A. Farley, attached, writs of habeas corpus ad prosequendum are not documents that are contained within an inmates file. Rather, the United States Marshal Service, which executes such writs, maintain those documents. Farley Decl., ¶5."

I would ask the Court to take Judicial Notice, based upon the documents submitted with this letter, and the previous letter sent to the Court from the Bureau of Prisons' Regional Counsel, that the United States Marshal Service does not have a writ of habeas corpus ad prosequendum, as the respondents have suggested to this Court, and no writ of habeas corpus ad prosequendum was used to remove my person from the state work release program.

I pray that this information would be of some assistance to you in deciding my case.

I thank you for your time and patience.

Respectfully Submitted,
Ronald Tucker

A handwritten signature in cursive script, appearing to read "Ronald Tucker", is written over a horizontal line.

CC: Kate L. Mershimer Esq.
Assistant United States Attorney
United States Attorney's Office
Middle District of Pennsylvania
228 Walnut Street, 2nd Fl.
P.O. Box 11754
Harrisburg, PA 17108-1754

w/enclosures

U.S. Department of Justice

United States Marshals Service

Office of General Counsel

Washington, DC 20535-0001

FEB 12 2003

Ronald Tucker
Reg. No. 39032-053
FCI Allenwood, POB 2000
White Deer, PA 17887

Re: Freedom of Information/Privacy Act Request No: 2002USMS3728
Subject of Request: Self

Dear Mr. Tucker:


Reference is made to your letter of October 15, 2002 regarding the above-captioned request.

Pursuant to your request dated April 9, 2002, the Marshals Service sent you copies of all records located in the Eastern District of New York. Pursuant to your request of October 15, 2002, the Marshals Service conducted a second search of its files in the Eastern District of New York which failed to locate any additional records and/or information responsive to your request.

If you have not already done so, you may wish to direct your request to the Chief, FOIPA Section, Federal Bureau of Investigation, Room 6296, JEH Building, Washington, DC 20535-0001 and/or to the Clerk of the Court for the Eastern District of New York for any records and or information they may have relating to your request.

If you are dissatisfied with my action on this request, you may appeal this partial denial by writing to the Co-Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information/Privacy Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,


FLORASTINE P. GRAHAM
FOI/PA Officer

for Office of General Counsel

Ronald Tucker 39032-053
F.C.I. Allenwood
P.O. Box 2000
White Deer, PA 17887
October 15, 2002

United States Department of Justice
United States Marshal Service
600 Army Navy Drive
Arlington, VA 22202-4210
Florastine P. Graham
F.O.I./PA Officer
Office of General Counsel

In Re: Freedom of Information/Privacy Act Request

Dear Mrs. Graham,

On April 9th of this year, 2002, I forwarded a Freedom of Information request to you specifically requesting a copy of the "Writ of Habeas Corpus ad Prosequendum" that was used to remove my person from Fulton Work Release Facility on January 23, 1992. I also asked for "any and all documents maintained by this bureau in regards to the above mentioned dock. no. 92-Cr-91." (Please See attached letter dated April 9, 2002.)

In June of 2002, I received a letter from you along with three (3) pages of an "Individual Custody and Detention Report". One (1) document was withheld based upon (b)(7)(c) could reasonably be expected to constitute an unwarranted invasion of personal privacy. [attached hereto]

The documents you forwarded to me were not helpful, as I specifically need a copy of the writ of habeas corpus ad prosequendum that was used by U.S. Marshals to remove my person from state custody on January 23, 1992.

This document is of great importance. I need this document in order to prove that the state and federal authorities did not honor the provisions of the writ. I am being held in prison unlawfully because this writ was not honored.

Although I appealed the decision of you not forwarding this document (in a letter to the Co-Director, Office of Information and Privacy, dated June 18, 2002. See attached) I still have yet to get a response. I also sent another request to you on this same date (June 18, 2002) [attached hereto], again specifically asking for this document. I have received no response from you from this request dated June 18, 2002.

If your agency denies this request for a copy of the writ of habeas corpus ad prosequendum, please specify the exemptions under 5 U.S.C. §552 on which the denial is based. I look forward to receiving a response to this request within twenty (20) working days as required by statute.

Thank you for your assistance.

Sincerely,

Ronald Tucker



Ronald Edward Tucker
F.C.I. Allenwood
P.O. Box 2000
White Deer, PA 17887
D.O.B. March 11, 1969
Place of Birth: Queens, New York
Reg. No. 39032-053
S.S.#: 053-66-9377

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct to the best of my knowledge and recollection.


Ronald Tucker 39032-053

W/ Enclosures

Ronald Tucker 39032-05
F.C.I. Allenwood
P.O. Box 2000
White Deer, Pa 17887
April 9, 2002

United States Department of Justice
United States Marshal Service
600 Army Navy Drive
Arlington, Va 22202-4210

In Re: "Freedom of Information /Privacy Act Request"

Florastine P. Graham
F.O.I./PA Officer
Office of General Counsel

Dear Mrs. Graham,

On January 23, 1992, I was removed from Fulton Correctional Facility, (Bronx, New York) by U.S. Marshals via writ of habeas corpus ad prosequendum, to answer to federal charges, Docket No. 92-CR-91. I would respectfully request, specifically, a copy of said writ that was used to remove my person from state custody.

Furthermore, I would also request any and all documents maintained by this bureau in regards to the above mentioned criminal dock. no 92-Cr-91. It should be noted that I was under an alias in state prison, (Ronald Burgess) and my state identification was 90-R-0529.

Sincerely,
Ronald Tucker

Ronald Tucker

Date of Birth: March 11, 1969
Place of Birth: Queens, New York
S.S. Number: 053-66-9377

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 9th day of April, 2002.

Ronald Tucker

Ronald Tucker

U.S. Postal Service
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 City, State, ZIP-4
 STREET HARRISBURG PA 17108

PS Form 3800, February 2000 See Reverse for Instructions

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Recipient's Name (Please Print Clearly) (to be completed by mailer)
 KATE L. MERSHIMER AUSA U.S. ATTORNEY
 Street, Apt. No., or PO Box No.
 OFFICE M.D. Pa 228 WALNUT STREET
 City, State, ZIP-4
 HARRISBURG PA 17108-1754

PS Form 3800, February 2000 See Reverse for Instructions